

SENATE BILL 433

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2003 Regular Session
3r1477

By: **Senator Stone (Chairman, Ethics and Election Law Subcommittee)**

Introduced and read first time: January 31, 2003

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 7, 2003

CHAPTER_____

1 AN ACT concerning

2 **Election Law - Miscellaneous Technical and Clarifying Corrections**

3 FOR the purpose of making certain technical and clarifying corrections to the State
4 election law relating to changes to precinct boundaries and polling places,
5 changes in a voter's party affiliation, changes to the voter registry when a voter
6 moves, the transmittal of certified copies of election results following certain
7 elections, the canvass of certain primary election results for an election to fill a
8 vacancy in the office of representative in Congress, and the deposit or use of
9 certain contributions of money that are received by certain persons prior to the
10 General Assembly session; altering a certain definition; repealing a certain
11 provision relating to the certification of certain election results by the State
12 Board; repealing a certain provision relating to the transmission of certain
13 campaign finance reports by certain persons to the campaign finance entities of
14 candidates; and generally relating to technical and clarifying corrections to the
15 State election law.

16 BY repealing and reenacting, with amendments,
17 Article - Election Law
18 Section 2-303, 3-303, 3-504, 6-101(f), 11-401, 11-501, 11-603, 13-235, and
19 13-305
20 Annotated Code of Maryland
21 (2003 Volume)

22 BY repealing
23 Article - Election Law
24 Section 13-306
25 Annotated Code of Maryland

1 (2003 Volume)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article - Election Law**

5 2-303.

6 (a) As it deems it expedient for the convenience of voters, a local board may:

7 (1) create and alter the boundaries for precincts in the county;

8 (2) designate the location for polling places in any election district, ward,
9 or precinct in the county; and

10 (3) combine or abolish precincts.

11 (b) Except as provided in subsection (e) of this section, a local board may not
12 create or change a precinct boundary or polling place during the period beginning the
13 Tuesday that is 13 weeks prior to a primary election, through the day of the general
14 election.

15 (c) Any precinct boundary established by a local board subsequent to July 1,
16 1987 shall follow visible features as defined by the Bureau of the Census, United
17 States Department of Commerce.

18 (d) Within 5 days of creating a new precinct or changing a precinct boundary,
19 a local board shall send to the State Administrator a written description of the new
20 boundary and a map of the area involved.

21 (e) (1) Unless the action is approved in advance by the State Administrator,
22 during the period January 1, in the second year preceding the decennial census,
23 through [December 1, in the second year following the decennial census] THE
24 EFFECTIVE DATE OF ANY REDISTRICTING BASED ON THE CENSUS, a local board may
25 not create a new precinct or change a precinct boundary.

26 (2) Upon receipt of the written description and map relating to a precinct
27 boundary established during the period described in paragraph (1) of this subsection,
28 the State Administrator shall immediately forward the documents to the Secretary of
29 the Department of Planning and the Executive Director of the Department of
30 Legislative Services.

31 (f) Notwithstanding any restrictions imposed by this section, subject to the
32 approval of the State Board, a local board may create a new precinct or change a
33 precinct boundary OR POLLING PLACE if the local board determines that an
34 emergency exists.

1 (g) (1) The regulations adopted by the State Board shall include procedures
2 for the creation of new precincts and changes to precinct boundaries OR POLLING
3 PLACES.

4 (2) A local board may create a new precinct or make a change in a
5 precinct boundary OR POLLING PLACE only in accordance with regulations adopted by
6 the State Board.

7 3-303.

8 (a) Except as provided in [subsection (b)] SUBSECTIONS (B) AND (C) of this
9 section, a local board, at the signed request of a registered voter, shall change that
10 voter's party affiliation, or change the voter to or from a decline, at any time that
11 registration is open [unless the request is received during the following time
12 periods:].

13 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
14 PARTY AFFILIATION MAY NOT BE CHANGED:

15 [(1)] (I) from 9 p.m. on the Monday, or the next regular business day if
16 the Monday is a legal holiday, that is 12 weeks before the day on which a primary
17 election is to be held under § 8-201 of this article, until and including the day on
18 which the registration reopens after the primary election is held; and

19 [(2)] (II) from and including the day of issuance of a gubernatorial
20 proclamation calling a special election, pursuant to § 8-710 of this article, or from 5
21 p.m. on the next regular business day if the day of issuance is a legal holiday, until
22 and including the day on which that special election is held.

23 (2) IF A VOTER REQUESTS A PARTY AFFILIATION CHANGE DURING A
24 PERIOD SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION, THE LOCAL BOARD
25 SHALL MAKE THE CHANGE IF:

26 (I) THERE IS SUFFICIENT EVIDENCE, AS DETERMINED BY THE
27 LOCAL BOARDS PURSUANT TO REGULATIONS ADOPTED BY THE STATE BOARD, THAT
28 THE REQUEST WAS MAILED BEFORE THE BEGINNING OF THE PERIOD SPECIFIED IN
29 PARAGRAPH (1) OF THIS SUBSECTION; OR

30 (II) THE REQUEST WAS SUBMITTED BY THE VOTER TO THE MOTOR
31 VEHICLE ADMINISTRATION, A VOTER REGISTRATION AGENCY, ANOTHER LOCAL
32 BOARD, OR THE STATE BOARD BEFORE THE BEGINNING OF THE PERIOD SPECIFIED
33 IN PARAGRAPH (1) OF THIS SUBSECTION.

34 [(b)] (C) If a registered voter [changes residence] HAS MOVED from one
35 county to another within the State SINCE THE LAST GENERAL ELECTION, the voter
36 may change party affiliation or change to or from a decline [at any time when
37 registering with the new county of residence], ONE TIME ONLY, DURING A PERIOD
38 SPECIFIED IN SUBSECTION (B)(1) OF THIS SECTION.

1 [(c)] (D) An individual whose registration has been canceled at the
2 individual's request within a period [closed to changes in party affiliation]
3 SPECIFIED IN SUBSECTION (B) OF THIS SECTION may not reregister in the same
4 county during the same period with a party affiliation or nonaffiliation different from
5 the previous registration.

6 3-504.

7 (a) (1) In this section the following words have the meanings indicated.

8 (2) "Confirmation notice" means a notice, approved by the State Board,
9 that is sent by forwardable mail with a return card.

10 (3) "Return card" means a postage prepaid and preaddressed card on
11 which the voter may report the voter's current address.

12 (b) Upon receiving any information that a voter currently registered in the
13 [county] STATE has moved to a different address within the [county] STATE, the
14 APPROPRIATE election director shall change the voter's record and send the voter a
15 confirmation notice.

16 (c) If it appears from information provided by the postal service or an agency
17 specified in § 3-505(b) of this subtitle that a voter has moved to a different address
18 outside the [county] STATE, the election director IN THE COUNTY WHERE THE VOTER
19 IS MOST RECENTLY REGISTERED shall send the voter a confirmation notice informing
20 the voter of his or her potential inactive status as described in subsection (f) of this
21 section.

22 (d) Upon receipt of a return card, the election director shall make any needed
23 corrections in the Board's records to reflect the voter's current residence.

24 (e) The election director may not remove a voter from the registry on the
25 grounds of a change of address unless:

26 (1) THE VOTER'S REGISTRATION HAS BEEN TRANSFERRED TO ANOTHER
27 COUNTY;

28 (2) the voter confirms in writing that the voter has changed residence to
29 a location outside the [county in which the voter is registered] STATE; or

30 [(2)] (3) (i) the voter has failed to respond to [the] A confirmation
31 notice UNDER SUBSECTION (C) OF THIS SECTION; and

32 (ii) the voter has not voted or appeared to vote (and, if necessary,
33 corrected the record of the voter's address) in an election during the period beginning
34 with the date of the notice through the next two general elections.

35 (f) (1) If a voter fails to respond to a confirmation notice [sent based on
36 information that the voter moved to a different residence outside the local board's

1 jurisdiction] UNDER SUBSECTION (C) OF THIS SECTION, the voter's name shall be
2 placed on a list of inactive voters.

3 (2) Upon written affirmation that an inactive voter remains a resident of
4 the [same county] STATE, the voter may be allowed to vote either at the election
5 district or precinct for the voter's current residence or the voter's previous residence,
6 as determined by the State Board, and shall be restored to the registry.

7 (3) An inactive voter who fails to vote in an election in the period ending
8 with the second general election shall be removed from the registry.

9 (4) Individuals whose names have been placed on the inactive list may
10 not be counted as part of the registry.

11 (5) Registrants placed on the inactive list shall be counted only for
12 purposes of voting and not for official administrative purposes including petition
13 signature verification, establishing precincts, and reporting official statistics.

14 6-101.

15 (f) "Legal authority" means:

16 (1) the Attorney General; or

17 (2) as to a local petition, the [county attorney or law department]
18 COUNSEL TO THE LOCAL BOARD APPOINTED UNDER § 2-205 OF THIS ARTICLE for that
19 county.

20 11-401.

21 (a) (1) After each election, each board of canvassers shall transmit one
22 certified copy of the election results in its county, attested by the signatures of the
23 chairperson and secretary of the board of canvassers, to:

24 (i) the Governor;

25 (ii) the State Board of Elections; and

26 (iii) the clerk of the circuit court for the appropriate county.

27 (2) The statement may be mailed or delivered in person.

28 (b) After each general election in which votes have been cast for a write-in
29 candidate, each board of canvassers shall transmit a statement of returns of the votes
30 cast for write-in candidates who have filed a certificate of candidacy.

31 (c) (1) The transmittal shall be made on the second Friday after a primary
32 or general election or, if the canvass is completed after that date, within 48 hours
33 after the completion of the canvass.

1 (2) (I) [After] EXCEPT AS SPECIFIED IN SUBPARAGRAPH (II) OF THIS
2 PARAGRAPH, AFTER a special primary or special election, the transmittal shall be
3 made as soon as possible, but no later than the second Thursday after the election.

4 (II) AFTER A SPECIAL PRIMARY OR SPECIAL ELECTION THAT IS
5 HELD AT THE SAME TIME AS A PRIMARY OR GENERAL ELECTION, THE TRANSMITTAL
6 SHALL BE MADE IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.

7 (d) The clerk of the circuit court shall record the election results filed with the
8 court under this section.

9 11-501.

10 (a) Following each gubernatorial primary or special primary election [in the
11 State] TO FILL A VACANCY IN THE OFFICE OF REPRESENTATIVE IN CONGRESS, the
12 State Board shall:

13 (1) convene within 2 days after the certified official election results are
14 received from the local boards;

15 (2) if a majority of the members of the State Board is not present,
16 adjourn for not more than 1 day;

17 (3) determine which candidates, by the greatest number of votes, have
18 been nominated to each office and which questions have received a sufficient number
19 of votes to be adopted or approved; and

20 (4) prepare and certify statewide election results based on the certified
21 copies of the statements made by the county boards of canvassers.

22 (b) (1) If a member of the State Board dissents from a determination of an
23 election result or reasonably believes that the conduct of a Board member or Board
24 proceeding was not in compliance with applicable law or regulation or was otherwise
25 illegal or irregular, the member shall prepare and file with the Board a distinct
26 written statement of the reasons for the dissent or concern.

27 (2) The State Board shall maintain a file of the written statements
28 submitted under this subsection by members of the Board.

29 11-603.

30 (a) [(1)] The State Board shall certify election results in accordance with the
31 provisions of this article and regulations adopted by the State Board.

32 [(2) The certification by the State Board shall include a determination
33 that reports or statements of contributions and expenditures required to be filed
34 under § 13-401 of this article have been filed.]

35 (b) The State Board shall:

36 (1) promptly deliver under its seal a certified statement notifying:

- 1 (i) each individual who is declared elected;
- 2 (ii) each individual who is continued in office;
- 3 (iii) the Secretary and presiding officer of the United States Senate,
4 in the case of the election of a United States Senator to represent the State; and
- 5 (iv) the Clerk and presiding officer of the United States House of
6 Representatives, in the case of the election of a member of the House of
7 Representatives to represent the State; and

8 (2) publish a sufficient number of copies of the certified statements of
9 the votes cast throughout the State that are delivered to it by the Board of State
10 Canvassers and make the copies available to the public at cost.

11 13-235.

12 (a) This section applies to the following officials:

- 13 (1) the Governor;
- 14 (2) the Lieutenant Governor;
- 15 (3) the Attorney General;
- 16 (4) the Comptroller; and
- 17 (5) a member of the General Assembly.

18 (b) Except as provided in subsection (c) or (d) of this section, during a regular
19 session of the General Assembly an official described in subsection (a) of this section,
20 or a person acting on behalf of the official, may not, as to a candidate for federal,
21 State, or local office, or a campaign finance entity of the candidate OR ANY OTHER
22 CAMPAIGN FINANCE ENTITY ORGANIZED UNDER THIS TITLE AND OPERATED IN
23 COORDINATION WITH A CANDIDATE:

- 24 (1) receive a contribution;
- 25 (2) conduct a fund-raising event;
- 26 (3) solicit or sell a ticket to a fund-raising event; or
- 27 (4) deposit or [otherwise] use any contribution [regardless of when it is
28 received] OF MONEY THAT WAS NOT DEPOSITED PRIOR TO THE SESSION.

29 (c) An official described in subsection (a) of this section, or a person acting on
30 behalf of the official, is not subject to this section when engaged in activities solely
31 related to the official's election to an elective federal or local office for which the
32 official is a filed candidate.

1 (d) Under the Public Financing Act, a gubernatorial ticket, during the year of
2 the election only, may accept eligible private contributions and any disbursement of
3 funds by the State Board that is based on the eligible private contributions.

4 (e) (1) As to a violation of this section, the campaign finance entity of the
5 official in violation is liable for a civil penalty as provided in this subsection.

6 (2) The State Board, represented by the State Prosecutor, may institute
7 a civil action in the circuit court for any county seeking the civil penalty provided in
8 this subsection.

9 (3) A campaign finance entity that receives a contribution as a result of
10 the violation shall:

11 (i) refund the contribution to the contributor; and

12 (ii) pay a civil penalty that equals the sum of \$1,000 plus the
13 amount of the contribution.

14 13-305.

15 (a) (1) Subject to paragraph (2) of this subsection, a campaign finance entity
16 that is a personal treasurer is not required to file the campaign finance reports
17 prescribed by § 13-304 of this subtitle if the responsible officers file an affidavit:

18 (i) on or before the day when the first campaign finance report is
19 due; and

20 (ii) stating that the personal treasurer does not intend either to
21 raise contributions in the cumulative amount of \$1,000 or more or, exclusive of the
22 filing fee, make expenditures in the cumulative amount of \$1,000 or more.

23 (2) If the personal treasurer receives cumulative contributions of \$1,000
24 or more or makes cumulative expenditures of \$1,000 or more, the personal treasurer
25 shall file all subsequent campaign finance reports prescribed by this subtitle.

26 (3) A violation of paragraph (2) of this subsection constitutes a failure to
27 file by the campaign finance entity, and the responsible officers are guilty of a
28 misdemeanor and on conviction are subject to the penalties prescribed under Part VII
29 of this title.

30 (b) (1) Subject to paragraph (2) of this subsection, in an election year a
31 continuing political committee is not required to file the campaign finance reports
32 [prescribed by § 13-304] REQUIRED UNDER § 13-309(A) of this subtitle if the
33 responsible officers file an affidavit:

34 (i) on or before the day when the first campaign finance report is
35 due; and

1 (ii) stating that the continuing political committee, with respect to
2 each election to be held in that year:

3 1. has not received contributions or made expenditures since
4 the closing date of its last campaign finance report; and

5 2. does not intend to receive contributions or make
6 expenditures.

7 (2) If the continuing political committee receives contributions or makes
8 expenditures in connection with an election in that year, the continuing political
9 committee shall:

10 (i) notify the State Board in writing within 14 days; and

11 (ii) file all subsequent campaign finance reports prescribed by this
12 subtitle.

13 (3) A violation of paragraph (2) of this subsection is a failure to file by the
14 campaign finance entity, and the responsible officers are guilty of a misdemeanor and
15 on conviction are subject to the penalties prescribed under Part VII of this subtitle.

16 [13-306.

17 (a) Regardless of the purpose for which a political committee is formed, if the
18 political committee directly or indirectly spends \$51 or more to aid or oppose the
19 nomination or election of a candidate, a campaign finance report shall be submitted in
20 accordance with this section.

21 (b) The campaign finance report required under this section shall be:

22 (1) signed by:

23 (i) the treasurer of a political committee other than a political club;
24 or

25 (ii) an officer of a political club; and

26 (2) submitted to the treasurer of the campaign finance entity that was
27 aided.

28 (c) A campaign finance entity that receives a campaign finance report
29 submitted under this section shall file that report with the campaign finance report it
30 files under § 13-304 of this subtitle.

31 (d) This section does not require a political club to report any expenditure
32 other than a contribution of money to a campaign finance entity of a candidate.]

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
34 effect October 1, 2003.

